Hon'ble P.C. Verma,J.
Hon'ble B.S. Verma,J.

(Modification Application No. 12666/2005)
(Delay Condonation Application No. 12666 A/2005)

Heard learned counsel for the applicant/petitioners as well as learned counsel for the respondents.

There is no ground to condone the delay in filing the modification application. Even otherwise also there is no ground in the modification application to modify the orders dated 14.12.2004 and 29.08.2005. Both these applications are rejected with liberty to file a fresh writ petition challenging the impugned order.

(B.S. Verma, J.) **(P.C. Verma, J.)**
10.07.2006 **10.07.2006**

P. Singh

In the High Court of Uttaranchal, at Nainital.

(Review Petition No. 23 of 2005)

in

Writ Petition No. 761(S/B) of 2001

1- Dr. R.K. Srivastava S/o Late M.L. Srivastava,
121, Basement, Tallital, Nainital.

2- Dr. V.K. Verma, S/o Late D.P. Verma,
State Observatory Campus, Nainital …… Petitioners.

Vs.

1- The Secretary, Department of Science
and Technology, Govt. of Uttaranchal,
4-B, Subhash Marg, Dehradun Uttaranchal.

2- Director, State Observatory, Manora Peak
Nainital, Uttaranchal.

3- Dr. Wahabuddin Astronomer,
State Observatory, Nainital …… Respondents.

Sri V.K. Bisht, learned Senior Advocate and Sri S.N. Babulkar, learned Senior Advocate, for the petitioners.
Sri Subhash Upadhyaya, learned Brief Holder for respondents 1 & 2.
Sri Sharad Sharma, Advocate for the respondent No.3.

Coram: Hon'ble Irshad Hussain, J.
Hon'ble B.S. Verma, J.

Dated: 29th August, 2005

(P.C.)

Heard Sri V.K. Bisht, and Sri S.N. Babulkar, learned Senior Advocates for the petitioners and Sri Subhash Upadhyaya, learned Brief Holder for the respondent Nos. 1 and 2 and Sri Sharad Sharma, learned counsel for the respondent No. 3.

2- Learned Brief Holder for the State informs that a decision had been taken by the State Government and the same is being incorporated in the averment of the counter affidavit, which is taken on record. Perusal of Annexure C.A. -2 reveal that by order dated 24-8-2005 a decision had been taken to the effect that the petitioner No. 1 is not entitled to notional promotion and the same had been denied to him. Considering this the review petition had been rendered infructuous and the same is dismissed.

3- The petitioner may resort to such legal remedy as is provided under law in regard to the order which has now belatedly been passed by the Government.

(B.S. Verma, J.) **(Irshad Hussain, J.)**

ISB